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ABSTRACT

Guidelines for assisting institutions of postsecondary education in achieving and improving access for handicapped students in compliance with Section 504 of the Rehabilitation Act of 1973 are provided. Primary focus of the guide is on how the Act affects the recruitment and admissions policies and practices of colleges and universities. Eight activities that are part of the admissions process are discussed in relation to Section 504: recruitment; publications; application forms, interviews, and recommendations; testing; financial aid; orientation; registration; and grievance procedures. The discussion of these activities include: citations from the regulation that affect that activity; an interpretation of the citations; some imperatives for institutional policy; and examples of how an institution can carry out both the letter and the spirit of the law. The appendices contain the names and addresses of national organizations of handicapped persons, state administrators of vocational rehabilitation, and additional clearinghouses and sources of information. (SPG)

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RECRUITMENT, ADMISSIONS and HANDICAPPED STUDENTS

A Guide for Compliance with Section 504 of the Rehabilitation Act of 1973

HE 010 166

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RECRUITMENT, ADMISSIONS AND HANDICAPPED STUDENTS

A Guide for Compliance with Section 504 of the Rehabilitation Act of 1973

A publication of
The American Association of Collegiate Registrars and Admissions Officers
and
The American Council on Education

RECRUITMENT, ADMISSIONS, AND HANDICAPPED STUDENTS

A Guide for Compliance
with Section 504
of the Rehabilitation Act of 1973

Martha Ross Redden, Cricket Levering, Diane DiQuinzio, and
the Task Force on a Model Admissions Policy

This Guide was produced under a contract from the Office
for Civil Rights, Department of Health, Education, and Welfare.

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and
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MEMORANDUM FOR PRESIDENTS OF COLLEGES AND UNIVERSITIES

I am pleased to endorse the new Model Admissions Policy for Higher Education, and I am optimistic that it will be a valuable tool to help colleges and universities widen educational opportunities for handicapped persons throughout the Nation.

The document was developed by the American Association of Collegiate Registrars and Admissions Officers under contract to the Office for Civil Rights, Department of Health, Education, and Welfare.

It represents a key element in the Department's approach to assisting recipients to comply voluntarily with Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination because of handicap in programs benefiting from Federal financial assistance.

The policy includes "imperatives" that should be followed without modification, and "suggestions" that may be used with a degree of flexibility. Please use your own judgement in adapting the suggestions to make your admissions procedures responsive to your own needs, as well as to the needs of qualified handicapped persons who may be involved in your recruitment and admissions activities.

Of course, there is another valuable resource you probably are aware of already. That is the handicapped individuals themselves. They can give you the best technical advice on steps your institution may take to guarantee them fair participation in your programs.

My staff and I will give you any other help we can.

David S. Tatel
Director
Office for Civil Rights

FOREWORD

The Rehabilitation Act of 1973 (Section 504) brought into focus the social as well as legal obligations of the postsecondary education community toward the handicapped.

This document, one of a series of guides being issued under the American Council on Education-coordinated HEATH program, has been developed by representatives of the postsecondary community in cooperation with the Office for Civil Rights and the Bureau of Education for the Handicapped of the Department of Health, Education and Welfare. Its prescriptions are offered for adaptation to the particular circumstances of each college and university.

No set of guidelines can anticipate all circumstances. This one makes no pretension to do so. I am convinced, however, that if the guidance offered in this publication is applied with good will and good sense, it will be fruitful. I am grateful to those members of our academic community who gave their time and talents to the preparation of this document.

J.W. Peltason
President
American Council on Education

PREFACE

The American Association of Collegiate Registrars and Admissions Officers has maintained a long commitment to developing access for groups of persons underrepresented in institutions of postsecondary education. As part of this continuing involvement, AACRAO developed a task force to prepare guidelines that would assist institutions in achieving and improving access for handicapped students in compliance with Section 504 of the Rehabilitation Act of 1973. This task force was made up of Ray P. Fox, dean of admissions and record, University of Tennessee-Chattanooga; Kris W. Kindelsperger, assistant director of admissions, University of Louisville; and Laurie Robinson, admissions officer, University of Michigan-Dearborn. Appointed almost immediately after the completed regulation was issued in May 1977, the task force was given the broad charge of assisting institutions beyond the narrow task of not discriminating against the handicapped. The Association approached the new mandate in the same spirit as with previous efforts to forge exemplary programs for ethnic minorities and women.

The task force was expanded to include persons with handicaps and with experience in institutions with established programs for handicapped students. Its work was coordinated with HEATH (Higher Education and the Handicapped), a project of the American Council on Education and several other associations, in cooperation with the Office for Civil Rights and the Bureau of Education for the Handicapped. We hope the results of that cooperation will help postsecondary institutions to respond to both the letter and the spirt of Section 504.

Stan Berry
President
American Asscciation of Collegiate
Registrars and Admissions Officers

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INTRODUCTION

Section 504: The Letter and Spirit of the Law

To comply with the new legislation that bars discrimination on the basis of handicap, institutions of postsecondary education will have to scrutinize and in many cases revise their policies toward handicapped people. This guide will focus particularly on how that legislation affects the recruitment and admissions policies and practices of colleges and universities across the nation.

The legislation that prompts this reassessment is found in Section 504 of the Rehabilitation Act of 1973, as amended (PL 93-112 and PL 93-516). It reads:

> No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The final regulation for implementing Section 504 was signed on April 28, 1977, by HEW Secretary Joseph A. Califano, Jr. It was published in the Federal Register on May 4, 1977, and became effective on June 3. The regulation mandates that every institution receiving financial assistance from the Department of Health, Education, and Welfare must provide

handicapped individuals equal access to all its programs. This means that most if not all colleges and universities must not discriminate on the basis of handicap in the way they recruit and admit students.

A statement by Secretary Califano, released when the regulation was signed, pledged technical assistance to help recipients comply with the new regulation. This guide, written for persons responsible for college and university admissions and recruitment, is part of that technical assistance. The guide was prepared under a contract with the Office for Civil Rights, DHEW.

In his prepared statement, the Secretary made these observations about carrying out the new law:

> The 504 Regulation today becomes the law of the land, and it is critically important that we obey that law and make these new rules a reality for handicapped Americans.
>
> In implementing the regulation, I pledge that HEW will move promptly and firmly but I also pledge that we will be guided by sensitivity, fairness and common sense.
>
> I ask today that all parties affected by this regulation also be guided by those qualities as we begin the arduous process of implementation--a process which will no doubt be controversial....
>
> Section 504 and this regulation constitute a striking recognition of the civil rights of America's handicapped citizens, just as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, and their companion regulations, are critical elements in the structure of law protecting the civil rights of racial minorities and women.
>
> In Section 504, Congress enacted a charter of equality to help end the shameful national neglect of handicapped individuals and to translate many of their legitimate needs into legal rights.

What This Guide Will Do

This guide is an effort to interpret the letter and the spirit of the

civil rights legislation as it applies to admissions policies at postsecondary institutions. Eight activities that are part of the admissions process will be viewed in the light of Section 504: recruitment; publications; application forms, interviews, and recommendations; testing; financial aid; orientation; registration; and grievance procedures. The discussion of these activities will include: citations from the regulation that affect that activity; an interpretation of the citations; some imperatives for institutional policy; and examples of how an institution can carry out both the letter and the spirit of the law.

To conduct these activities with the "sensitivity, fairness, and common sense" suggested by Secretary Califano, institutions are urged to form an advisory committee on admissions and recruitment. Such a committee, which should include one or more handicapped individuals representing students, faculty or staff, or handicapped consumer groups, can be invaluable in anticipating problems and thinking through ways to achieve equal access for the handicapped. Appendix A contains a number of national organizations of handicapped persons.

Throughout this guide there will be references to such an advisory committee. Note that the regulation requires that handicapped persons (or organizations representing handicapped persons) be involved in the self-evaluation required of each recipient institution. [84.6(c)(1)(i)] It may be that part or all of the group convened for that purpose could continue as advisors to the admissions process. In any case, the contribution of such a committee cannot be underestimated.

Although this guide focuses on how Section 504 applies to admissions

and recruitment, it must be remembered that the legislation affects virtually all the functions of an institution. Because many of those functions relate indirectly to admissions and recruitment procedures, persons responsible for these two areas must be familiar with all of Subpart E and with those requirements of Subparts A, B, and C that concern postsecondary education. The broad scope of the regulation is illustrated by the following statement:

> No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health, insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program or activity to which this subpart applies. [84.43(a)]

HOW THE LAW APPLIES

Colleges and universities are required by the 504 regulation to make sure that qualified persons are not denied admission or subjected to discrimination in admission or recruitment because of a handicap.

Fair admissions with respect to handicapped students means judging them by their abilities rather than their disabilities. More is required than simply ignoring a prospective student's handicap if the letter and spirit of the 504 regulation are to be realized. Assistance must be available to handicapped students so that all programs offered by an institution are as accessible to them as to students who are not handicapped. As indicated in the sections that follow, many steps can be taken to make sure handicapped students are served fairly by the admissions process. Achieving equity depends not only on avoiding discrimination but also on removing subtle barriers confronted by the handicapped in the process of admission.

A clear understanding of several terms is critical to the discussion that follows:

- Section 504 applies to all recipients of federal financial assistance. A recipient, as defined in paragraph 84.3(f), is "any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which federal financial assistance is extended directly or through

another recipient...." Federal financial assistance is defined in paragraph 84.3(h) as "any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department [HEW] provides or otherwise makes available assistance in the form of: (1) funds; (2) services of federal personnel; or (3) real and personal property or any interest in or use of such property...." It is the responsibility of individual institutions to submit an unaltered and unamended Assurance of Compliance with Section 504 (HEW Form 641) to the Office for Civil Rights. Most, if not all, colleges and universities receive some form of federal financial assistance and are therefore required to submit this form.

- A handicapped person is someone who (1) has a physical or mental impairment that substantially limits one or more major life activities (functions such as performing manual tasks, walking, seeing, hearing, speaking, breathing, or learning); (2) has a record of physical or mental impairment; or (3) is regarded as having a substantially limiting physical or mental impairment, even though the impairment is insubstantial or a reflection of the attitudes of others or nonexistent. [84.3(j)]

In accordance with a formal opinion from the Attorney General of the United States, alcoholics and drug addicts are considered handicapped persons. Institutions are not required to alter standards but only to apply them equally to all applicants.

- A qualified handicapped person is someone who meets the academic and technical standards required for admission to the recipient's educational program or activity. The term technical standards refers to all nonacademic

criteria used for admission to and participation in a program or activity. In most instances, technical standards are a moot question. A blind person is not likely to study the visual arts, and a deaf person is not likely to study music (though the example of Beethoven suggests there may be exceptions even here). In all cases, the interest and determination of the individual and the feasibility of providing necessary supporting services need to be weighed carefully. A point that cannot be emphasized too strongly is that the statute and the regulation apply only to discrimination against qualified handicapped persons. However, since academic and technical qualifications are not always well defined, admissions officers are advised to use common sense and good judgment in developing nondiscriminatory policies. Before students are denied admission to a program on grounds that they are not technically qualified, those requirements should be carefully studied and documented to determine if they are in fact necessary to pass the courses in that program or to perform the job for which that program prepares the student. [84.3(k)]

Traditional concepts of what a handicapped person can and cannot do are frequently based on misinformation and stereotypes. Even the traditional sources of information about the job abilities of handicapped persons are often wrong. Misconceptions about the abilities of the handicapped are pervasive, and no one group or agency can be uncritically relied on as an authority--not even provider groups, consumer groups, or vocational rehabilitation agencies.

RECRUITMENT

Regulation

"Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies." [84.42(a)]

"[A recipient] may not apply limitations upon the number or proportion of handicapped persons who may be admitted." [84.42(b)(1)]

Clarification

Recruitment in this context means all activities by university staff, faculty, students, alumni, and others that are intended to influence students to attend a given institution. This includes personal contact, media presentations, and printed materials posted or sent to prospective students. Not applying limitations on the number or proportion of handicapped persons admitted means just that: Institutions may not impose such limits.

Imperatives

1. There must be no preadmission inquiry that requires a prospective student to reveal a handicapping condition. [84.42(b)] (See section on Application Forms.) If it becomes known during recruitment that a person is handicapped, no written record of that handicap may be made for the admissions office.

2. An institution's recruitment activities must be accessible to handicapped persons.

3. It is the institution's responsibility to provide services, such as interpreters, for the handicapped at all recruitment activities or to make certain that those who conduct recruitment activities for the institution have made arrangements to provide such services to handicapped students who request them.

4. Institutions may not set limits on how many handicapped persons they will admit.

Suggested Activities

- In planning special service needs for large recruitment activities, an institution should rely on its advisory committee for suggestions regarding such items as the number and availability of interpreters for the deaf, the accessibility of locations being considered for such recruitment "fairs," and the availability of volunteers to assist handicapped persons who attend the fair. When an institution participates in a fair sponsored by another institution or community group, it should make sure that the sponsoring party has made arrangements to allow handicapped persons access to the activities.

- Although the regulation does not require special recruitment efforts for handicapped students, such students must have the same opportunity to learn about an institution and to enroll in it as persons who are not handicapped. In order to provide equal opportunities, an institution may wish to expand

its recruitment activities to include schools and special classes attended by handicapped students. Recruitment information should be available in forms that are suitable for persons with impaired sensory functions. For example, material can be made available to blind students in braille, on audiotape, or by providing reader service. Advice on providing such services should be sought from handicapped persons and consumer groups for the handicapped.

- Training sessions can be provided to make recruitment personnel more aware of any services needed by handicapped persons. The admissions advisory committee can be especially helpful here.

- A brochure outlining institutional policies and describing services available to the handicapped can be prepared and made available to alumni, among others, who serve as recruiters and interviewers for the institution. Here again, the advisory committee will be helpful.

PUBLICATIONS

Regulation

"If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants...it shall include in those materials or publications a statement of [compliance with Section 504]....A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications." [84.8]

Clarification

Publications covered by the regulation include catalogs and bulletins, promotional literature, department brochures, application and admission forms, student handbooks, information on programs and services for handicapped students, orientation materials, and any other university-sponsored information, published or broadcast, that relates directly or indirectly to recruitment or admission.

If an institution currently has a policy statement that prohibits discrimination on other grounds, it can add "handicap" to the categories protected by that statement. In all publications, the compliance statement should be prominently displayed.

For publications already in print, compliance statements can be added

by using a printed insert or a rubber stamp. Requests for information which are no longer allowed (see the section on Application Forms, which follows) can be blacked out.

It should be noted, however, that U.S. Postal Service regulations state that any enclosures with or attachments to second class mail will require additional postage. It may be possible to alter publications by using a rubber stamp, without necessitating additional postage. Institutions should check with local postal authorities to determine whether the proposed additions or alterations are in conformity with postal regulations.

Imperatives

1. All college and university publications relating directly or indirectly to recruitment or admissions must demonstrate compliance with the 504 regulation. Any publications that are not in compliance must be revised at once.

2. All new and existing college and university publications relating directly or indirectly to recruitment or admissions must contain a compliance statement.

Suggested Activities

- Here is an acceptable compliance statement for existing publications:

  "_____ College does not discriminate on the basis of handicap in admission or access to its programs."

- For new publications, the following statement can serve as a model:

  "The University of _____ does not discriminate on the basis of handicap in the recruitment and admission of students, the recruitment and employment of faculty and staff, and the operation of any of its programs and activities, as specified by federal laws and regulations. The designated coordinator for University compliance with Section 504 of the Rehabilitation Act of 1973 is _____."

- Publications containing information about special services, housing, or any other programs of interest to handicapped persons should indicate that information in the table of contents. If there is an index, the information should be cited there also under "handicapped student services," with subheadings for housing, health services, and so on.

- In catalogs, student handbooks, brochures, and other general information publications, include handicapped students with nonhandicapped students in photographs that show a variety of campus activities.

- Instead of including all the information about services for handicapped students in one section of the student handbook, provide each item of information in its logical context--housing, health services, transportation, financial aid. The goal is to integrate, not segregate. To help students locate the information, include a statement on services for the handicapped in the introductory material, listing the sections and page numbers where the information can be found. Cite the information in the index as well (as suggested above).

- If the student handbook contains information about things to do and places to go in the local community--restaurants, bars, libraries, stores, recreation--indicate which are accessible to handicapped persons.

- An additional publication may be considered describing services for handicapped students available on campus, in the community, or through state or national programs. This publication could be prepared with the assistance of the advisory committee, local groups of handicapped persons, representatives of the state department of vocational rehabilitation, and national organizations of and for handicapped persons. (See Appendix A.)

- The advisory committee can be helpful in reviewing all publications and assisting in the development of materials addressing the needs of handicapped students.

APPLICATION FORMS AND RELATED ITEMS

Regulation

"In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted....

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person, but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation." [84.42(b)]

. . .

"Preadmission inquiry exception. When a recipient is taking remedial action to correct the effects of past discrimination...or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity...the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, provided that:

(1) The recipient states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that information requested is intended for use solely in

connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part." [84.42(c)]

Clarification

With one exception, this part of the regulation prohibits any form of preadmission inquiry as to whether an applicant is handicapped. The exception is when an institution "is taking remedial action to correct the effects of past discrimination...or when it is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity." Even in these cases responses to preadmission inquiries must be voluntary.

A distinction needs to be made between "remedial" and "voluntary" action. If the Director of the Office for Civil Rights finds that an institution has discriminated against qualified handicapped persons, the institution will be required to take remedial action to overcome the effects of the discrimination. Voluntary action is taking positive steps to overcome the effects of any conditions that have resulted in limited participation by handicapped persons in the institution's programs or activities. Voluntary action does not involve any finding or implication that the institution has discriminated against qualified handicapped persons.

Note also that after admission, inquiries can be made about handicaps that may require accommodations as long as the information is supplied on a confidential basis. Such confidential information must be separated from the admissions process and maintained by the appropriate institutional office that provides the service needed by the student--for example, the health unit, the housing referral service, or the financial aid office.

Imperative

Except as noted above, colleges and universities are prohibited from making any kind of preadmission inquiry as to whether an applicant is handicapped. This prohibition applies to every form an applicant is asked to submit to the institution in order to be considered for admission--medical reports, housing forms, financial aid applications, and any other preadmission information.

Suggested Activities

- An institution should eliminate from its preadmission forms not only questions that directly solicit information regarding the applicant's handicapped status, but any questions from which a handicap can be inferred. Any requested information from which the institution might identify an applicant's handicap prior to admission is prohibited by Section 504.

- A notice of compliance could be affixed to existing application forms rather than having all such forms reprinted. However, adding a compliance

statement does not remove the responsibility to eliminate all questions prohibited by the 504 regulation. (Refer to the "Publications" section concerning the U.S. postal regulations requirements for additions to second class mail.)

- If the institution uses a form letter to solicit letters of recommendation for an applicant, the form letter should reflect the desire of the institution not to be given information about handicaps. The letter should include a statement of the institution's compliance with Section 504 and an elaboration that those providing letters of recommendation are therefore strongly discouraged from referring directly or indirectly to an applicant's handicap. A description of services available to handicapped students on the campus should be provided. The institution could also develop a set of guidelines for those writing letters of recommendation, including suggested wording that will not reveal an applicant's handicap.

- If an interview is required of all prospective students, and not just handicapped applicants, the interviewer may inform the applicant of any available services on campus that may benefit or be of interest to the applicant. However, it is the responsibility of the interviewer or admissions officer not to use the information about the applicant's handicap to influence decisions about admission.

- Medical information can be solicited after an applicant has been admitted, if the medical information obtained is not used for the purpose of excluding or disqualifying anyone who is qualified to participate in any of the institution's programs or activities. A student's

handicap should not be equated with a health condition that could serve as a legitimate basis for excluding any student from a program or activity, e.g. a contagious disease.

- In open admission institutions, where admission and registration occur simultaneously and the application form is not used to make admission or rejection decisions, a statement such as the following may be circulated to all registrants:

> "Federal law prohibits us from making preadmissions inquiry about handicaps. Information regarding handicaps, voluntarily given or inadvertently received, will not adversely effect any admissions decision. If you require special services because of handicap, you may notify (name of person or office). This voluntary self-identification allows (name of college) to prepare appropriate support services to facilitate your learning. This information will be kept in strict confidence and has no effect on your admission to the college."

Note, however, that where prior notice is essential to the provision of the service, and the student fails to provide the necessary information, the institution would not be obligated to provide the service at the time of entrance to the institution. However, this does not alleviate the responsibility of the institution to provide such services at a future time.

ADMISSION TESTS

Regulation

"In administering its admission policies, a recipient to which this subpart applies:

(2) May not make use of any test or criterion for admission that has a disproportionate adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate adverse effect are not shown by the Director [of the Office for Civil Rights] to be available;

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual

or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons...." [84.42(b)]

. . .

"Validity studies. For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores." [84.42(d)]

Discussion

Some of the questions and issues raised by testing have not been resolved in a manner that will allow useful guidelines at this time. Several issues are now being discussed by the Office for Civil Rights, the Educational Testing Service, and the American College Testing Program, including the predictive validity of tests for the handicapped and the appropriateness of testing in the admissions process.

Since the imperatives are stated by the regulation, this discussion is limited to suggestions for compliance with the regulation as it has been interpreted up to this point.

- Pending a resolution of the issues discussed above, the Office for Civil Rights will not find an institution out of compliance if that institution requires the submission of test scores by applicants, even though there is a

strong possibility that these tests do not reflect a handicapped applicant's ability. However, to assure that it is in compliance, the institution must guarantee that admissions decisions take into account other factors such as high school grades, recommendations, etc. This policy is, in fact, recommended by the major testing services.

- Until such time as a more viable policy can be worked out, the testing services will be allowed to continue to notify their users that tests were taken under non-standard conditions. This is an interim policy only. OCR recognizes that this procedure may violate the prohibition against preadmission inquiry; it will be allowed only until the interim policy can be modified, and OCR suggests that recipients be prepared to modify their admissions requirements in the future. OCR has initiated discussions with the major testing services in order to resolve the apparent problems with the testing of certain handicapped persons.

- Wherever information is given regarding tests required for admission, an institution must include a statement that special testing arrangements can be made for handicapped applicants and that there are alternate admissions criteria for handicapped applicants who are unable to take the required tests. Both the Educational Testing Service and the American College Testing Program have brochures describing special testing arrangements. Admissions personnel should review and evaluate the suggestions made in these brochures, in preparation for developing other testing arrangements in the future.

FINANCIAL AID

Regulation

"In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not (i), on the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) assist any entity or person that provides assistance to any of the recipients' students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

"A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap." [84.46(a)]

Clarification

This regulation requires that equal opportunities for financial assistance be made available to qualified handicapped students. It is not discriminatory to deny an athletic scholarship to a handicapped person if the

handicap renders the person unable to perform the skills necessary to qualify for the award. This rationale applies equally to scholarships awarded on the basis of academic achievement. Qualified students should be selected for awards on the basis of the criteria for the award without regard to physical or mental handicap.

Institutions may continue to administer discriminatory bequests, trusts, scholarship, and related awards that have been established under wills and similar legal instruments only if the overall effect of the institution's financial assistance program is not discriminatory on the basis of handicap. (This is similar to the Title IX requirement with respect to awards restricted by sex.)

Imperatives

1. An institution must take all necessary steps to see that qualified handicapped students have the same opportunities as nonhandicapped students to learn about and receive financial assistance through award programs administered by the institution.

2. All institutional publications that relate to financial aid, including financial aid publications themselves, must contain a statement of compliance with Section 504.

3. Institutions must make sure that all services of the financial aid office are accessible to and usable by handicapped students.

Suggested Activities

- Handicapped students should be made aware of all available financial assistance programs. It should not be assumed that handicapped students must apply for or receive funding from the state department of vocational rehabilitation (DVR). These funds are not available to all handicapped students. For example, in most states DVR funds are not available for graduate study or for educational programs that are not directly related to vocational objectives approved by DVR. Hence handicapped students, as well as those who are not handicapped, need to be informed of all possible sources of financial aid.

- Brochures, pamphlets, and other materials regarding vocational rehabilitation programs in the states of resident and nonresident students should be made available to all students, with distinctions made between those vocational rehabilitation benefits related to income and those not related to income. Handicapped students should also be provided information about social security benefits, public assistance, veterans benefits, and community assistance programs.

- To be certain students get the full benefit of state vocational rehabilitation funds, the institution's financial aid office should maintain a good working relationship with the directors of state offices. (See Appendix B.) An institution should not wait until handicapped students are actually in attendance before getting in touch with state offices. An effective working relationship can insure that most aids and appliances needed by handicapped students can be supplied.

ORIENTATION

Regulation

"No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any...extracurricular, or other postsecondary education program or activity to which this subpart applies....A recipient to which this subpart applies shall operate its programs and activities in the most integrated setting appropriate." [84.43]

Clarification

The orientation process includes campus visits, orientation materials such as the student handbook and other publications distributed to new students, and any programs to acquaint students with the institution.

Imperatives

1. Student orientation programs must be physically accessible to all, and services such as interpreters for the deaf must be available if needed.

2. Letters inviting students to orientation activities should indicate that such services will be available.

Suggested Activities

- Orientation staff should design their programs in a way that encourages handicapped students to attend general student orientation programs.

- The institution may arrange a special orientation for handicapped students, but such an orientation should be in addition to, not in place of, general orientation. An orientation session specifically designed for handicapped students could take up matters of particular concern to these students--mobility, access to facilities, and where and how to get any special services needed. Participation in special orientations must be optional, not required.

- For suggestions about printed materials used in orientation, see the section on Publications.

REGISTRATION

Regulation

"No qualified handiapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, ...counseling, financial aid, other extracurricular, or other postsecondary education program or activity to which this subpart applies." [84.43(a)]

Clarification

Registration is popularly characterized as an ordeal for all students. For the handicapped, the difficulties that frequently accompany registration can be compounded by mobility problems or sensory impairments. Thus the registration process is a critical juncture where steps must be taken to make sure handicapped students are not excluded from programs for which they are qualified.

Imperative

Provisions must be made so that handicapped students can register for classes as conveniently and efficiently as students who are not handicapped.

Suggested Activities

- To eliminate obstacles to the handicapped, an institution's registration process should be reviewed by an advisory committee that includes handicapped students and the institution's compliance officer.

- Institutions should have available at the registration site the services typically needed for the handicapped--for example, interpreters for the deaf. This is particularly necessary in the case of institutions with open admissions. Because these institutions conduct admissions and registration simultaneously, they cannot predict the needs of handicapped persons who come to register. The advisory committee mentioned above can assist in determining which services to have immediately available.

- To meet problems that arise despite the best efforts to eliminate them, a "back-up person" should be on hand at all times. This person should have the expertise and authority to resolve unanticipated problems. The individual might be an admissions officer, a student services representative, or an experienced student.

- Persons responsible for registration must be aware of which classrooms and buildings are physically accessible so that a student who uses a wheelchair can in fact get to all classes for which he or she registers.

GRIEVANCE PROCEDURES

Regulation

"[Grievance] procedures need not be established with respect to complaints from applicants...for admission to postsecondary educational institutions." [84.7(b)]

. . .

"Grievance procedures are not required to be made available to...applicants for admission to colleges and universities.

"The regulation does not require that grievance procedures be exhausted before recourse is sought from the Department. However, the Secretary believes that it is desirable and efficient in many cases for complainants to seek resolution of their complaints and disputes at the local level and therefore encourages them to use available grievance procedures." [Appendix A - Analysis of Final Regulation, Subpart A(12)]

Discussion

Although the regulation does not require a postsecondary institution to establish grievance procedures for applicants for admission to the institution, some mechanism is needed for dealing with complaints alleging a 504 violation in the admissions process. The applicant is, of course, entitled to file a complaint against the institution with the appropriate federal

office (the regional office of HEW). However, a better approach is to allow for conciliation or at least discussion between the institution and the complainant long before the issue reaches the federal level. The advisory committee mentioned throughout this guide could play a useful role here.

Also, the institution may want to designate a person or office to receive complaints of this kind, in much the same manner as Title IX complaints are dealt with on the campus. This approach will also be useful at institutions that have an open admissions policy and can encounter unanticipated needs on the part of handicapped persons during registration or orientation. Such persons will be able to seek assistance or redress immediately from the institution, thus perhaps short-circuiting a lengthy and costly grievance process.

SOME FINAL THOUGHTS

This publication urges colleges and universities to develop an attitude toward handicapped persons that acknowledges their civil rights. As stated at the outset, the 504 regulation represents a belated attempt to accord handicapped individuals the rights and privileges that are taken for granted by others. To bring to an end the discrimination experienced by the handicapped, institutions must remove both physical and psychological barriers to participation in their programs by handicapped persons.

The process begins with relating to handicapped students on a person-to-person rather than on a person-to-handicapped-person basis. This attitude should be reflected by faculty, staff, and students. Faculty seminars and workshops should be developed to lessen the discomfort and uneasiness felt by faculty members who are facing handicapped students for the first time. These seminars should not only stress attitudinal change; they should also point out that Section 504 requires that the civil rights of handicapped persons be respected. Compliance is not only a moral responsibility; it is a matter of obeying the law. Such seminars obviously should include handicapped faculty, staff, and students. Similar programs should be held for administrative personnel.

Compliance with 504 must be more than the establishment of an Office of Special Services for handicapped students. In fact, establishing such an office may not be the most effective way to accommodate handicapped students

or comply with Section 504. A more effective approach is for admissions officers to adopt a leadership role and take responsibility for handicapped students in the same manner as they do for all other students, until classes actually begin. Above all, principles of common sense should guide the institution in developing its policies to comply with 504. In this way, both the letter and the spirit of Section 504 will be served.

A CHECKLIST FOR COLLEGES AND UNIVERSITIES

This checklist includes many of the "imperatives" and "suggested activities" outlined in this guide. It is intended to assist recruitment and admissions personnel in reviewing institutional policies and practices regarding handicapped applicants.

- ☐ If any limits were placed on the number of handicapped students who could be admitted, has that limit been removed?
- ☐ Have all recruitment procedures been reviewed for possible discriminatory activities?
- ☐ Do recruitment activities reach the handicapped as effectively as they reach those who are not handicapped?
- ☐ Are all recruitment activities held in accessible facilities?
- ☐ Have all staff, students, and alumni who participate in recruitment activities been informed of nondiscrimination requirements?
- ☐ Is a nondiscrimination statement included in all publications related to recruitment and admissions (forms, advertisements, catalogs, handbooks, brochures)?

- ☐ Are all available services for handicapped students listed in the appropriate places in campus publications (housing in the housing section, financial aid in the financial aid section, etc.)?

- ☐ Have all publications and media releases been checked for material that discriminates against handicapped students and has such material been removed?

- ☐ Do all application forms include a nondiscrimination statement?

- ☐ Have all questions about handicaps been removed from preadmission inquiries?

- ☐ Have all housing, health, and other forms been cleared of questions that solicit information that could reveal a handicap?

- ☐ In postadmission inquiries, is it made clear that providing information concerning a handicap is voluntary and will be kept confidential?

- ☐ Have all admission procedures been removed which were unique to handicapped applicants and not required of other applicants? (This does not include provision of services, such as interpreters for deaf students, which would allow them to participate in activities readily available to other students.)

- ☐ Do all requests for recommendations contain a statement that information about a handicapping condition is not requested?

- ☐ If interviews are required, is the interview format free of questions that would require students to reveal information about a handicap?

- ☐ Has the interviewer been told not to record information about a handicap that may be obvious during a face-to-face interview?

- ☐ If tests are required for admission, has information been made available to all applicants concerning special testing arrangements for handicapped persons?

- ☐ Is information provided to handicapped students regarding financial assistance opportunities?

- ☐ Are all orientation services provided in an integrated setting and with the necessary services required by handicapped students?

- ☐ Are all registration areas accessible by wheelchair? If not, have provisions been made to conduct registration for students in wheelchairs in an accessible location?

- ☐ Are services available to handicapped students to assure equal access to registration--for example, interpreters, readers, accessible facilities, assistants?

- ☐ Has a decision been made and implemented about the establishment of grievance procedures?

- ☐ Has an advisory committee been appointed, with handicapped students and/or staff as part of its membership, and has it been asked for advice and counsel on the many requirements and suggestions outlined in this Guide?

APPENDIX A

National Organizations of Handicapped Persons

(NOTE: For an extremely helpful, annotated list of these and other organizations, order the DIRECTORY OF NATIONAL INFORMATION SOURCES ON HANDICAPPING CONDITIONS AND RELATED SERVICES from:

Clearinghouse on the Handicapped
Office for Handicapped Individuals
Department of Health, Education and Welfare
South Portal Building, Room 3380
Washington, DC 20201

Single copies are free.)

Alexander Graham Bell
Association for the Deaf
3417 Volta Place, N.W.
Washington, DC 20007

American Coalition of Citizens
with Disabilities
1346 Connecticut Avenue, N.W.
R-om 817
Washington, DC 20036

American Council of the Blind
818 18th Street, N.W.
Suite 700
Washington, DC 20006

American Professional Society
of the Deaf
c/o Dr. Donald L. Ballantyne
Professor Experimental Surgery
NYU Medical Center
560 First Avenue
New York, NY 10034

Blinded Veterans Association
1735 DeSales Street, N.W.
Washington, DC 20036

Disabled American Veterans
3725 Alexandria Pike
Cold Spring, KY 41076

Disabled in Action
175 Willoughby Street
Brooklyn, NY 11201

Epilepsy Foundation of America
1828 L Street, N.W.
Washington, DC 20036

Gallaudet College Alumni Assoc.
Gallaudet College
7th and Florida Avenue, N.E.
Washington, DC 20002

Indoor Sports Club
1145 Highland Street
Napoleon, OH 43545

National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910

National Association of the
Deaf-Blind of America
c/o Dr. Doris M. Callahan
616 E. 124th Street
Cleveland, OH 44108

National Association of the
Physically Handicapped, Inc.
6473 Grandville Avenue
Detroit, MI 48228

National Congress of Organizations
of the Physically Handicapped, Inc.
7611 Oakland Avenue
Minneapolis, MN 55423

National Federation of the Blind
1346 Connecticut Avenue, N.W.
Suite 212
Washington, DC 20035

National Multiple Sclerosis
Society
257 Park Avenue
New York, NY 10010

National Paraplegia Foundation
333 N. Michigan
Chicago, IL 60601

Paralyzed Veterans of America
7315 Wisconsin Ave., Suite 301-W
Washington, DC 20014

Spina Bifida Association of
America
P.O. Box 5568
Madison, WI 53705

United Cerebral Palsy Associa-
tion, Inc.
66 East 34th Street
New York, NY 10016

United Ostomy Association, Inc.
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APPENDIX B

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Appendix B: State Administrators of Vocational Rehabilitation (continued)

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Austin, Texas 78711
(512) 475-6810

TRUST TERRITORY OF THE PACIFIC ISLANDS

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Chief, Vocational Rehabilitation Services
Office of the High Commissioner
Trust Territory of the Pacific Islands
Saipan, Mariana Islands 96950
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UTAH

Dr. Harvey C. Hirschi
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State Board of Education
250 East 5th South
Salt Lake City, Utah 84111
(801) 533-5991

Mr. Donald W. Perry
Administrator, Services for the Visually Handicapped
309 East First South
Salt Lake City, Utah 84111
(801) 533-9393

Appendix B: State Administrators of Vocational Rehabilitation (continued)

VERMONT

Mr. Richard W. Hill
Director, Voactional Rehabilitation Division
Department of Social and Rehabilitation Services
Agency of Human Services
81 River Street
Montpelier, Vermont 05602
(802) 828-3455

Mr. Howard E. Walbridge
Director, Division of Services for the Blind and Visually Handicapped
Department of Social and Rehabilitation Services
Agency of Human Services
81 River Street
Montpelier, Vermont 05602
(802) 828-3405

VIRGIN ISLANDS

Mrs. Leonarda Crowley
Director, Division of Vocational Rehabilitation
Department of Social Welfare
Post Office Box 539
Charlotte Amalie
St. Thomas, Virgin Islands 00801
(809) 774-2835

VIRGINIA

Mr. Altamont Dickerson, Jr.
Commissioner, Department of Vocational Rehabilitation
State Board of Voactional Rehabilitation
Room 314, 4615 West Broad Street
Post Office Box 11045
Richmond, Virginia 23230
(804) 786-2091

Mr. William T. Coppage
Director, Virginia Commission for the Visually Handicapped
3003 Parkwood Avenue
Richmond, Virginia 23221
(804) 786-2181

WASHINGTON

Mr. Peter M. Jamero
Director, Division of Vocational Rehabilitation
Department of Social and Health Services
State Office Building #2 (OB-31C)
Olympia, Washington 98504
(206) 753-2544

Mr. Kenneth Hopkins
Chief, Office of Services for the Blind N-17-8
Department of Social and Health Services
Community Services Division
Post Office Box 18379
Seattle, Washington 98118
(206) 464-6690

WEST VIRGINIA

Mr. Thorold S. Funk
Director, Division of Vocational Rehabilitation
State Board of Vocational Education
P & G Building
2019 Washington Street, East
Charleston, West Virginia 25305
(304) 348-2375

WISCONSIN

Mr. Terry A. Willkom
Administrator, Division of Vocational Rehabilitation
Department of Health and Social Services
State Office Building
1 West Wilson Street
Madison, Wisconsin 53702
(608) 266-5466

WYOMING

Dr. Robert W. Dingwall
Director, Division of Vocational Rehabilitation
Department of Health and Social Services
Hathaway State Office Building, Rm. 327
Cheyenne, Wyoming 82002
(307) 777-7389

APPENDIX C

Additional Clearinghouses and Sources of Information which are useful in Planning for Compliance with Section 504

American Association of Collegiate Registrars and Admissions Officers (AACRAO)
Suite 330
One Dupont Circle NW
Washington, DC 20036
(202) 293-9161

AACRAO will provide general information to postsecondary institutions on policies and procedures for the handicapped in the areas of recruitment, admissions, scheduling, registration, and student records.

Association of Physical Plant Administrators of Universities and Colleges (APPA)
Suite 250
Eleven Dupont Circle NW
Washington, DC 20036
(202) 234-1663

APPA has a HOTLINE (202) 234-1663, a free service to respond to needs for information concerning Section 504 regulations and accessibility; two publications: Planning for Accessibility ($3), and Developing an Accessible Campus for the Handicapped--a Workbook ($25); and a Consultant Registry and Referral.

Clearinghouse on the Handicapped
Office for Handicapped Individuals
Department of Health, Education and Welfare
South Portal Building, Room 3380
Washington, DC 20201
(202) 245-6644

This Clearinghouse is the source of the Directory mentioned in Appendix A.

College and University Personnel Association (CUPA)
Suite 650
One Dupont Circle NW
Washington, DC 20036
(202) 833-9080

CUPA, in cooperation with several other associations, is holding a series of workshops throughout the country, to share information and provide guidelines to campus administrators on increasing program access for handicapped students and employees.

Mainstream, Inc.
1200 15th Street NW
Washington, DC 20005
(202) 833-1139

Mainstream is a national nonprofit corporation which was established to assist with compliance efforts. It publishes a free quarterly newsletter, In the Mainstream, which provides legislative updates and reports on other developments in compliance activities; and it has a Hotline (202-833-1139) which provides confidential responses to questions about compliance.

National Association of College and University Business Officers (NACUBO)
Suite 510
One Dupont Circle NW
Washington, DC 20036
(202) 296-2344

NACUBO has prepared a GUIDE TO THE SECTION 504 SELF-EVALUATION, which is available free of charge. In addition, staff members will respond to general inquiries on the self-evaluation process.

NEXUS
American Association for Higher Education
Suite 780
One Dupont Circle NW
Washington, DC 20036
(202) 785-8480
(800) 424-9775

NEXUS is a toll-free information and referral service for people who are involved in improving higher education. If you have a question about programs for compliance with Section 504, and wonder if another college or university has tried such a program or programs, NEXUS can refer you to someone who can answer that question.